

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 4094/2026

State Of Rajasthan, Through Tehsildar Bali, District Pali.

-----Petitioner

Versus

1. Sanjay Kumar S/o Bastimal, R/o Bali Tehsil Bali, District Pali.
2. Venus S/o Jethmal, R/o Bali Tehsil Bali, District Pali.
3. Dhanraj S/o Hansram, R/o Bali Tehsil Bali, District Pali.
4. Anil Kumar S/o Kundanmal, R/o Bali Tehsil Bali, District Pali.
5. Dheera Mal S/o Basti Mal, R/o Bali Tehsil Bali, District Pali.
6. Bharat Kumar S/o Prithviraj, R/o Bali Tehsil Bali, District Pali.
7. Devendar Singh, Khudala Tehsil Bali District Pali.
8. Jayveer Singh, Khudala Tehsil Bali District Pali.
9. Rajendra Singh, Khudala Tehsil Bali District Pali.
10. Smt. Sukh Kanwar W/o Himmat Singh, Khudala Tehsil Bali District Pali.

-----Respondents

For Petitioner(s)	:	Mr. N.S. Rajpurohit, AAG Mr. B.S. Sodha
For Respondent(s)	:	Mr. J.L. Purohit, Sr. Adv. with Mr. Rajeev Purohit

HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

29/04/2026

1. Present writ petition is filed challenging validity and propriety of order dated 16.07.2012 passed by learned Board of Revenue ("BOR") whereby, the judgment dated 14.12.2004 passed by Court of learned Additional District Collector, Pali, has been set aside and directions were issued to restore the resumed land.
2. It is contended that proceedings under Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 ("Ceiling Act") were initially undertaken in the year 1971 and were closed vide order dated 02.03.1973. However, the said proceedings were reopened

and ultimately decided vide order dated 14.12.2004, directing the State authorities to acquire the land in question.

The said order dated 14.12.2004 was challenged by respondent Nos. 1 to 6 by way of an appeal before the learned Board of Revenue. While deciding the appeal vide judgment dated 16.07.2012, learned Board of Revenue recorded findings that the proceedings had been undertaken without following the procedure prescribed under the Ceiling Act and without affording an opportunity of hearing to the affected persons. Learned Board of Revenue further observed that reopening of the ceiling proceedings after such a long lapse of time was unjustified. Accordingly, vide order dated 16.07.2012, learned Board of Revenue set aside the impugned order dated 14.12.2004 and directed restoration of the resumed land in favour of the appellants therein.

3. Learned counsel for the petitioner submits that learned Board of Revenue has committed an error in allowing the appeal, as a huge chunk of land is involved. It is further contended that while deciding the issue in question, learned Board of Revenue has failed to take into consideration the relevant provisions of Ceiling Act.

4. *Per contra*, learned Senior Counsel Mr. J.L. Purohit, appearing for the respondents, submits that present writ petition challenging the order dated 16.07.2012 has been filed after a gross delay of fourteen years. It is further submitted that there is not even a whisper in the writ petition explaining the delay and laches in filing the present petition. It is, therefore, contended that

the writ petition deserves to be dismissed solely on the ground of delay and laches.

4.1 Learned Senior Counsel contended that as a matter of fact, the order impugned dated 16.07.2012 has not been challenged by respondent – State in last 14 years and also not complied with the directions contained therein. In these circumstances, ***S.B. Civil Writ Petition No. 5393/2026 (Sanjay Kumar Vs State of Rajasthan & Ors.)*** has been preferred praying for compliance of order dated 16.07.2012. Co-ordinate Bench of this Court vide order dated 28.03.2026, disposed of the said writ petition and directed District Collector, Pali to comply with the judgment dated 16.07.2012 within a period of 45 days. It is contended that present writ petition is filed just with a view to escape compliance of judgment dated 28.03.2026, therefore, present writ petition is nothing, but a gross abuse of process of law.

4.2 Learned Senior Counsel further stated that issue involved in the present case is covered by judgment passed by this Court in ***S.B. Civil Writ Petition No. 17987/2024 (State of Rajasthan vs. Nishan Singh & Ors)*** so also law laid down in case of ***S.B. Civil Writ Petition No. 20730/2025 (State of Rajasthan vs. Smt. Anju Babel & Anr.)***.

5. Heard learned counsel for the parties.

6. Upon perusal of record of the present case, this Court finds that challenging impugned order dated 16.07.2012, present writ petition is filed after fourteen years and no explanation, much less any satisfactory explanation is mentioned in the writ petition to justify said delay. This Court is of the considered view that, on the one hand, respondent–authorities have failed to comply with the

directions issued by learned Board of Revenue for more than a decade, and on the other hand, the present writ petition has been filed only to avoid compliance of the directions contained in the judgment dated 28.03.2026. Such conduct clearly disentitles the petitioner-State from any indulgence of this Court.

7. Judgments relied upon by counsel for respondents are aptly applicable in the facts and circumstances of present case. While dismissing writ petition involving similar facts, in the case of **Nishan Singh** (supra), Co-ordinate Bench of this Court has made following observations :

7. The only prayer in the present writ petition is for quashing of the orders passed by the Board of Revenue, Ajmer dated 05.12.2012 & 17.09.2013. On the face of the record, the writ petition has been filed after a gross and palpable delay of about 12 years. A bare perusal of the pleadings clearly shows that no reason has been assigned in the present writ petition for approaching this Court after a delay of about 12 years. In the absence of any explanation much less the satisfactory explanation for delay in approaching the Court, this Court is not inclined to entertain the present writ petition after a delay of about 12 years.

8. This Court further takes note of the fact that the respondents herein preferred the writ petition before this Court being S.B. Civil Writ Petition No.9473/2024 which has been disposed of by this Court vide order dated 06.08.2024 in the presence of the Government Counsel, who has preferred this writ petition before this Court. The order passed by this Court on 06.08.2024 reads as follows :

"1. The petitioners have approached this Court with a grievance that despite of the fact that an order favourable to the petitioner was passed by the Board of Revenue way back on 05.12.2012 and order dated 04.07.2016 passed in contempt petition filed by the petitioners and directions were issued by the Additional Collector, Ceiling, Pali on 09.10.2020, the revenue authorities are not recording petitioners' name in the revenue record.

2. A direction has been sought to the revenue authorities to comply with the above referred orders, more particularly, the order dated 05.12.2012 passed by the Board of Revenue, Ajmer.

3. Mr. S. S. Ladrecha, learned Additional Advocate General submitted that the land involved in the

present case so also the other adjoining land comprises of a big chunk of land approximately 1200 bighas and the various proceedings under the Ceiling Act have been undertaken by the State Authorities due to which, the order of the Board of Revenue has not been complied with.

4. Be that as it may. Since the Board of Revenue has finally determined petitioners' rights by way of order dated 05.12.2012, the respondent No.2 – Tehsildar is directed to carry out requisite mutation entry/and correct the revenue record in tandem with the order of the Board of Revenue dated 05.12.2012.

5. The requisite order with regard to correcting the revenue entries in petitioners' case be passed within a period of six weeks from today. 6. The present writ petition so also the stay petition stand disposed of accordingly."

9. Since the co-ordinate Bench of this Court has already directed the State Government to implement the orders passed by the Board of Revenue, therefore, any order being passed contrary to the same will be virtually overriding and nullifying the order passed by the Co-ordinate Bench on 06.08.2024, wherein, the subject matter was the same orders of the Board of Revenue.

10. Learned Additional Advocate General very fairly submits that neither any recalling application nor any appeal against the order dated 06.08.2024 has been filed.

11. In view of the discussion made above, this Court is not inclined to entertain the present writ petition and therefore, the same is dismissed.

8. Moreover, law with regard to non-maintainability of writ petition on the ground of delay and laches is explained by this Court in case of **Smt. Anju Babel** (supra), wherein it has been held as under :

6.1 The law with regard to the delay and laches is no more res integra and it is well-settled that even if no period of limitation is provided for filing a writ petition, the same is required to be filed in a reasonable time. Excessive or inordinate delay in filing the writ petition deprives the petitioner of any relief from the court.

*6.2 The Hon'ble Apex Court in **Mrinmoy Maity v. Chhanda Koley, (2024) 15 SCC 215** opined that inordinate delay or laches defeats equity. The relevant paragraphs are reproduced herein below:*

"9. Having heard rival contentions raised and on perusal of the facts obtained in the present case, we

are of the considered view that the writ petitioner ought to have been non-suited or in other words the writ petition ought to have been dismissed on the ground of delay and laches itself. An applicant who approaches the court belatedly or in other words sleeps over his rights for a considerable period of time, wakes up from his deep slumber ought not to be granted the extraordinary relief by the writ courts. This Court time and again has held that delay defeats equity. Delay or laches is one of the factors which should be borne in mind by the High Court while exercising discretionary powers under Article 226 of the Constitution of India. In a given case, the High Court may refuse to invoke its extraordinary powers if laxity on the part of the applicant to assert his right has allowed the cause of action to drift away and attempts are made subsequently to rekindle the lapsed cause of action.

11. For filing of a writ petition, there is no doubt that no fixed period of limitation is prescribed. However, when the extraordinary jurisdiction of the writ court is invoked, it has to be seen as to whether within a reasonable time same has been invoked and even submitting of memorials would not revive the dead cause of action or resurrect the cause of action which has had a natural death. In such circumstances on the ground of delay and laches alone, the appeal ought to be dismissed or the applicant ought to be non-suited. If it is found that the writ petitioner is guilty of delay and laches, the High Court ought to dismiss the petition on that sole ground itself, inasmuch as the writ courts are not to indulge in permitting such indolent litigant to take advantage of his own wrong. It is true that there cannot be any waiver of fundamental right but while exercising discretionary jurisdiction under Article 226, the High Court will have to necessarily take into consideration the delay and laches on the part of the applicant in approaching a writ court."

6.3 The Hon'ble Courts, in a catena of authoritative pronouncements, have consistently held that where a writ in the nature of certiorari is prayed for challenging an order passed by a Civil Court, Revenue Court, or any quasi-judicial authority, such petition is required to be filed within a reasonable period, which has generally been construed to be up to ninety days.

6.4 However, in the present case, it is an admitted position that the writ petition has been instituted after an inordinate delay of nearly six years. Significantly, the petitioners have neither offered any explanation nor furnished any satisfactory justification for such enormous delay. The writ petition, therefore, suffers from gross laches and is not worthy of consideration on merits.

6.5 This Hon'ble High Court in **Noor Khan v. Board of Revenue, 2015 SCC OnLine Raj 8037** held that excessive or inordinate delay in filing the writ petition disentitles the petitioner of any relief from the court. The relevant paragraph is reproduced herein below:

"10. Indisputably, assailing the legality of order dated 24.8.93 passed by the Board of Revenue, the present writ petition has been filed by the petitioner after a lapse of 6 years. It is pertinent to note that in the petition filed, the order impugned dated 24.8.93 has been referred to as dated '24.8.98' and the petitioner has furnished the explanation of delay for the period February, 1999 to 31.8.1999 and therefore, it goes without saying that the petitioner was well aware that inordinate delay in filing the petition is required to be explained satisfactorily. However, no explanation whatsoever is set out in the petition for inordinate delay of six years in filing the petition. In the considered opinion of this court, if aggrieved by the order impugned, the petitioner was required to approach this court with utmost expedition and thus, the present writ petition which badly suffers from vice of delay and laches, deserves to be dismissed on this count alone. However, taking into consideration the fact that writ petition already stands admitted and is pending consideration for all these years, in the interest of justice, this court considers it appropriate to examine the case set out by the petitioner on merits."

6.6 In view of the aforesaid, the writ petition deserves to be rejected solely on the ground of delay in filing the same.

9. In view of discussion made above and considering admitted factual position that present writ petition is filed after a gross and unexplained delay of 14 years, that too just to avoid compliance of order dated 28.03.2026 passed by Co-ordinate Bench of this Court, this Court is not inclined to entertain the present writ petition and therefore, same is, hereby, **dismissed**.

10. Stay petition as well as other miscellaneous applications, also **disposed** of accordingly.

(SANJEET PUROHIT),J